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ABSTRACT

The evaluation team was contracted by the Bureau of Indian Affairs (BIA) to conduct an overall independent evaluation of the American Indian Scholarship Program at the University of New Mexico. Findings include that the University of New Mexico is considered by law students and graduates as the center for legal education for Indians; that the per capita cost for law students was high during the first 4 years of the program; that the increased number of law students has decreased the per capita cost although the program has required more money during each year of operation; and that recruitment of students is very good, with students from approximately 50 tribes, coming mostly from west of the Mississippi River, and a high percentage of women students. The evaluation team made 9 recommendations, including that students' records should include the quantum of blood, manner of recruitment, and current progress; that applicants should be advised of the specific reason for rejection; that applicants should be advised at the earliest possible date that Summer Orientation is optional for well-qualified applicants; that detailed fiscal records should be maintained for each student; and that each graduate's file should reflect the date of admission to the bar and the jurisdiction. (FF)

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Evaluation Report of the Special Scholarship in Law for American Indians

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EVALUATION REPORT
OF THE SPECIAL SCHOLARSHIP IN LAW
FOR AMERICAN INDIANS

University of New Mexico

Law School

Evaluation Report Prepared
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Summer, 1972

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The evaluation team was contracted by the Bureau of Indian Affairs to conduct an overall independant evaluation of the Indian Scholarship Program at the University of New Mexico. We wish to point out that our contract with the Bureau of Indian Affairs provided a limited time to complete the evaluation therefore, our evaluation team was somewhat limited in the data-gathering process. The fiscal information and financial data furnished in this evaluation report are taken from unaudited records and therefore, not to be considered an audit report.

The Director of the Indian Scholarship Program, his staff, Dean, Assistant Dean and other Personnel of the School of Law of the University of New Mexico were especially cooperative throughout the evaluation.

Respectfully submitted,.

George W. Underwood
Chairman, Evaluation Team

EVALUATION SUMMARY

It is our opinion that the Special Scholarship in Law for American Indians is generally successful and should be continued. Indians are obtaining legal education, and graduates are involved in the practice of law directly affecting Indians.

The American Indian Law Students Association was formed, and is an active, effective and integral part of the Program.

An important factor in the success of the Scholarship Program is the spirit and unity of purpose generated by this student association.

The University of New Mexico is considered by law students and graduates as the Center for legal education for Indians.

The per capita cost for law students was especially high during the first four years of the program. The increased number of law students has decreased the per capita cost although the program has required more money during each year of operation.

Recruitment of students appears to be very good, with students from approximately 50 tribes, coming from various states throughout the country with most from West of the Mississippi River, and a high percentage of women students.

The relationship between the Program and participating law schools is satisfactory.

A large majority of summer orientation students, law students and graduates were of the opinion that the Summer Orientation Program is valuable and helpful.

The team is aware that the Program is concerned with training Indian lawyers, and does not train paraprofessionals. However, there is some favorable spin-off by students who did not complete law school. These cases are not identifiable from available data, and the team did not evaluate paraprofessionalism.

The evaluation team feels some changes are needed, and makes the following recommendations:

(1) The quantum of blood of all applicants should be verified and made a part of the student's records.

(2) Student records should reflect manner of recruitment. This information is of value in determining most effective recruitment methods.

(3) All applicants rejected by the Program should be informed of the specific reason.

(4) Student records should reflect the student's current progress to allow the Program to respond to the student's immediate need.

(5) Advise applicant at the earliest possible date that Summer Orientation is optional for the well-qualified applicant.

(6) The National Science Fellowship Schedule for stipends should be followed, with a maximum stipend for all students regardless of the number of children.

(7) Each applicant's dependents should be verified for purpose of establishing stipends.

(8) Detailed fiscal records should be maintained for each student

(9) Each graduate's file should reflect date of admission to the bar and the jurisdiction. Each student should be encouraged to take the bar examination to permit the fullest involvement in Indian legal problems.

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SPECIAL SCHOLARSHIP IN LAW FOR AMERICAN INDIANS

In 1966, the College of Law at University of New Mexico discussed the need for legal training for minority groups. After contacting some minority groups and receiving some positive indications from certain groups of Indians, especially from the Navajo reservation, the University of New Mexico began organization of such a program. Office of Economic Opportunity and Bureau of Indian Affairs jointly funded the first summer orientation program for an eight week session in 1967. Office of Economic Opportunity continued to furnish most of the funds for the next four years, with Bureau of Indian Affairs making annual contributions for payment of stipends. The University of New Mexico continued to make In-Kind contributions, and by using law school facilities and personnel to carry out the program, it became known as a Center for Indian Law students.

Contracts provided that the University of New Mexico would deal directly with the applicant, would select the law student, would assist in law school placement, would provide stipends and would pay school expenses. This broad participation along with the summer orientation program conducted by its College of Law identified University of New Mexico as a Center for Indian Law students and those interested in attending law school.

The response from Indians interested in law training was very good, and after operation for five years it was decided that it should be maintained as an Indian Program. The Bureau of Indian Affairs accepted full funding responsibility for the Fiscal Year ending June 30, 1972.

The University of New Mexico has an Indian Law Center which functions as a Research branch of the Law School, and which assists Southwestern tribes and

individual Indians with problems peculiar to Indians and Indian Law. The Scholarship Program is not administratively part of the Indian Law Center. The Indian Law Center, through conducting research in Indian Law, is helpful in furnishing course material for Summer Orientation classes in Indian Law for Indian Law Students. Although the evaluation team was not commissioned to evaluate the Indian Law Center itself, it recognizes the Center and the Indian Scholarship Program do serve to complement each other. It is felt that such an important functioning relationship as this one should be noted at this time.

In addition to the training of Indians in the profession of law, particular "concepts of law," relevant to Indian problems were espoused. The document entitled "Special Scholarship Program in Law for American Indians, 1972 Fiscal Year," states,

> "The aim of this program is to produce a professional man and one who will benefit all of the Indian community through his expertise. If the Indian community has more effective leadership, it can be expected that it will solve all of its problems..."

It is critical, therefore, that the participants in the Scholarship Program, actually engage, as lawyers, in the Indian law problems and concerns. Therefore, it is most appropriate to examine those graduates of law schools who were funded by this Scholarship Program. The evaluation team was able to contact 14 out of approximately 25 lawyers from the Scholarship Program. It was discovered that the professional activities of these lawyers, addressed, almost exclusively, Indian problems. Only one graduate was not currently employed in an agency which addressed Indian problems predominantly. However, he stated that his immediate intention was to affiliate himself with such an organization, and that such a change was forthcoming. In addition to being

employed by the many and diverse agencies which address Indian problems, practically all the lawyers indicated that they spend 100% of their professional time dealing with Indian legal problems. Approximately half of the current and former students hold office in Indian organizations. Most of these offices are with the American Indian Law Students Association. Three held some tribal office.

Many of the unsolicited comments from these lawyers provide a valuable insight into their perceptions of the Scholarship Program and of themselves as Indian lawyers.

The evaluation team feels very strongly that an intense feeling of Indianness and togetherness has been generated by the Program. Each of the graduates expressed strong interest in professional activities addressing Indian concerns, rather than personal advancement or enhancement. In addition to the stated expressions themselves, the actual professional activities corroborate this expressed concern. With respect to the "concept of law" as related to professional law people of Indian descent, the program seems to be a considerable success.

RECRUITMENT AND SELECTION OF PARTICIPANTS

From the 1972 recruiting effort, 92 applications were received by the Scholarship Administration. From these 38 (41%) were selected for the Orientation Program. Others were rejected for such reasons as deciding not to participate in the orientation or not having a college degree.

In past years the number of applicants and the numbers selected are listed below:

	Applicants	Participants	% Accepted
1967	54	19	35%
1968	74	20	24%
1969	93	35	37%
1970	133	43	33%
1971	110	35	32%

Up to the present time, the Scholarship Program has had little selection difficulty since so few applicants have actually been eligible for the Program. When recruiting efforts are expanded, and produce more eligible applicants than scholarships available, specific selection criteria must be developed. To accomplish this task, research on current and past participants must be undertaken. In this manner, objective predictors of success can be determined.

SELECTED CHARACTERISTICS OF SCHOLARSHIP PARTICIPANTS

Inspection of the geographic distribution of Scholarship Program participants indicates widespread coverage of the nation, with the Southwestern states supplying the greatest numbers (See Appendix A). This distribution is consistent with the distribution of Indians throughout the nation. No one state cominates the picture.

Nineteen participants out of 110 were women. Women participants represent 17% of the total, in contrast to the nationwide percentage of 9% in law schools.

The average LSAT score was 470, with a low score of 221 and a high score of 708.

The distribution of ages of the participants is in Appendix B. It can be seen that the vast majority of the participants lies between ages 21 and 35.

The selected characteristics of those admitted into the Program appear to be consistent with the program objectives.

Present student files and records failed to provide an adequate verification of quantum of Indian blood.

SCHOLARSHIP PROGRAM AND OTHER LAW SCHOOLS

In the initial stage of the program, few law schools were contacted as there was a shortage of qualified students within the program. However, at the present time, there appears to be a relatively good cross-section of law schools participating in the program. This cross-section should be considered in terms of the law school stature with regard to the academic community, size of the student body, and the geographic location. (See Appendix C).

The relationship between the program and participating law schools is primarily informal in nature. The law schools contacted most typically already participate in some type of minority law student program.

Because law schools throughout the country generally receive many more applications than they can accept to fill their freshmen classes, the student is advised and encouraged to make applications to several law schools of his own choosing at the earliest possible date.

Contact by the program with each participating law school is handled primarily by the Dean's office of the University of New Mexico Law School. Dean Frederick M. Hart and Assistant Dean Hunter Geer determine which law school can and will accept students of the program. In some instances, a student in the program will have been accepted to a law school of his choice prior to applying to the program. However, there are students in the program, who, prior to attending the summer orientation session, may not have been accepted by a law school. This situation exists due to a variety of factors, including, but not limited to the following:

(1) A late application to the program by the student;

(2) The law school's themselves often do not complete their enrollments until the later portion of the summer;

(3) The possibility that the student either fails to take the Law School Aptitude Test or has taken the LSAT at a late date and does not have his test results; and finally,

(4) The "high risk" student (a student with a relatively low Grade Point Average and/or a low LSAT score).

Assuming any or all of the above occur for a particular student in the program, the Dean's office, primarily through Assistant Dean Geer begins to make inquiries to law schools in order to place the student. It should be pointed out that, since the program's inception in 1967 at University of New Mexico, the Dean's office has made many contacts with other law schools. Therefore, other law schools are aware of this program at University of New Mexico.

The basic objective, at this point, is to place the student in a law school. Once the student has been accepted by a particular law school, inquiry is made to determine what scholarships, if any, are available to the student who qualifies. In the event that no scholarships are available, or that the student fails to qualify for a scholarship, the Dean's office determines whether the University of New Mexico Law School will contribute tuition, and whether there are student loans available at that particular law school. Finally, if the student has been accepted by a law school and no outside funds are available, the program might pay the student's tuition.

In addition to placing some of the students in a law school, the program carries out an informal follow-up of the student as he or she progresses through law school. This informal follow-up method covers roughly three broad and sometimes overlapping areas. These areas are:

(1) Academic assistance

(2) Personal assistance, and

(3) Job placement for both summer employment and employment for those who complete the program as well as those students who fail to complete their legal education.

The area of job placement will be covered in another portion of this evaluation.

The academic assistance is provided primarily through the American Indian Law Student Association. However, instances occur where the dean's office, through the personal contacts of Dean Hart and Assistant Dean Geer with other law schools are of immeasurable importance in assuring needed academic assistance. Once the program learns a student is having difficulties, contact is made with the student to determine the source of the problem. Upon determining the source of the student's problem or the reason for poor grades, the Dean's office will contact the appropriate law school official. By relying upon this personal contact to present the student's circumstances to the law school officials, the law school officials are provided with information of which they may not be aware.

The program also provides personal assistance to individual students in much the same manner as it provides academic assistance to the students. Again, and this fact cannot be stressed too vigorously, the program's approach is informal. The dean's office, after learning and discussing the student's problem, can enlighten the student's law school and provide it with knowledge of the student's circumstance. Ordinarily, this would not be available to the law school; therefore, officials at the law school as well as the student, are better prepared and equipped to handle the particular problem.

The program, through its contacts with other law schools, operates with a good deal of informality and flexibility. Personal contact from the dean's office plays a major role in the programs relations and operations with other law schools.

It should be noted that the student's choice or attending a particular law school initially controls the placement process. Sometimes, however, a student will and must attend a law school not of his choosing.

The various law schools participating in the program reflect varying degrees of interest. This is due to a variety of the following factors: administrative policy regarding minority group education; change in personnel of a particular law school; geographic location of the law school, as well as urban/college town concepts; budget limitation and a student's desire to attend a particular law school or his lack of desire to attend a particular law school all play a part in the law school attitude toward the program.

The scholarship program appears to have established a sound working relationship with a sufficient number of quality law schools. While the relationship is informal, it provides flexibility and communication between the scholarship program, the student and the particular law school. In the event the student has problems, we found that the student was not hesitant to contact the scholarship program to seek aid and assistance, and, the scholarship program responded to the student need.

This relationship provides the marginal or "high risk" student with an additional advantage to complete law school. However, student files fail to adequately reflect the aforementioned relationship between the scholarship program and participating law schools. To this extent, this aspect of the program is too informal and more adequate records should be kept.

ORIENTATION PROGRAM

A questionnaire was administered to 38 orientation participants, on 30 June, 1972. At that time, the participants had only been in the orientation program for two weeks, so the data must be interpreted with this limitation being noted. The data gathered examined several aspects of the orientation: how participants were recruited for the program, the expected value of the orientation program, the quality of instruction, and the intentions of the participants to pursue a law school program. The following is a brief description based upon the responses of the orientation participants. Participants indicated that they had been recruited for the orientation program from a variety of sources: Indian Law Center brochures seen in colleges and universities, BIA officers, former students of the Scholarship Program, tribal and organizational newspaper advertisements of the program, and information gained from other Indian offices. One predominant source for learning about the Scholarship program was colleges and universities. Prior to actual recruitment, 30 of 38 participants were aware of the existence of the Center. The vast majority indicated that the orientation program was what they were expecting (31 out of 38). Of the seven who indicated that the program was not what they were expecting, the major reason given was that these participants had not expected the program to be so difficult and so rigorous, requiring an inordinate amount of work. However, all seven qualified their response by indicating that they felt, although surprised with the magnitude of the work, that it was important that the program be conducted in this manner. All 38 participants expressed feelings that the orientation program was of value. Twenty seven participants rated the quality of instruction in the program as excellent, nine rated it as very good, only two rated it as fair and none rated the quality of instruction as poor. With

respect to the outside speakers utilized in the program, 32 out of 38 felt that they were of benefit. Thirty four of the thirty eight indicated that they had already taken the Law School Aptitude Test. Thirty five indicated that they were either applying or had applied to a law school. Of the three who did not apply, two explained that they did not have bachelors degrees yet, but would apply upon completion of the bachelors degree. The third member indicated that other work committments would interfere with his immediate entry into law school, but that his intentions were, when circumstances permitted, to do so. The participants unanimously expressed the view that they felt the Center would offer the help, if needed, that would permit them to enter into law school. Thirty two of the thirty eight felt that the orientation program was providing sufficient counseling in anticipation of a career in law. All 38 indicated that they would recommend the orientation program to others. The participants were asked to make any additional comments on the questionnaire. The majority of them chose to do so. Practically all of those who made additional comments expressed great regard for the orientation program, and its potential benefit in orienting them to a law school program. Many expressed gratitude for the existence of such a program. Practically no negative comments regarding the orientation were made.

REACTIONS TO PREVIOUS ORIENTATION PROGRAMS (1967-1971) LAW SCHOOL GRADUATES

All of the 14 law school graduates contacted from the Scholarship Program indicated that they felt that the orientation program that they underwent had been valuable in preparing them for their law school program. However, only two felt that they would <u>not</u> have entered law school had they not had the

orientation program. All respondents indicated that they would recommend the orientation program to other Indians interested in a law career. The only negative comments regarding the orientation programs came from those who had been through the 1967 orientation. Although they, too, felt that the program was valuable, they were somewhat less convinced of its value than were subsequent groups of participants. In view of the fact that 1967 was the first orientation program, some negative criticism is perhaps understandable.

ORIENTATION AS VIEWED BY CURRENT LAW STUDENTS OF THE SCHOLARSHIP PROGRAM

Of the 41 current law students contacted, both at University of New Mexico Law School and other law schools, 39 felt that the orientation program had been valuable in preparing them for their law school program, with only two indicating that it had not. Most of the current law students contacted (29) felt that they would have entered law school without the orientation program, with only 12 indicated that they would not. Again, as with the other groups having gone through orientation, there was unanimous agreement that the program should be recommended for other Indians interested in a law career.

There was some confusion, prior to orientation, as to whether attendance at orientation was mandatory - also, some exceptionally well-prepared students felt like they personally did not need the orientation.

The summer orientation curriculum has two primary objectives:

(1) Acclimating the student to the law school atmosphere and providing fundamental tools and skills necessary for the study of law; and

(2) Introducing to the student the Casebook Study Method and statutory construction and interpretation methods employed by law schools and applying these methods directly to Indian Legal problems.

The summer session is designed to resemble a law school setting i.e, lectures with student participation using the Casebook Study Method. Classes run Monday through Friday, 9:00 A.M. to 3:00 P.M. Two afternoons each week are reserved for tutoring. The tutors are second and third year law students who attend University of New Mexico. During the current summer session, five (5) tutors aid and assist approximately 38 students.

The Summer Orientation Curriculum consists of six classes. One class consists of Legal Research and is not actually a class as such. The purpose is to teach the student how to use a law library.

Introduction to Legal Method, Instructor-Professor Jerry Walden, Professor of Law at University of New Mexico. This course is designed to present to the student the Casebook Method of Study. i.e., preparing a brief of an appellate court decision and extracting the legal issue or issues as well as understanding the court's rationale or legal reasoning.

This course is extremely important as relatively all law schools rely upon this method of teaching.

Commercial Transaction and (Property), (4 hrs.) Instructor-Professor Dave Vernon, a member of the faculty at the University of New Mexico, College of Law. This course is designed to teach the student some of the basic fundamentals of statutory interpretation and construction. Again, this course is also extremely important as a good deal of the student's time while attending law

Legal Writing, (4 hrs.) Instructor - Mr. Charles Wilkinson, Staff Attorney, Native American Rights Fund. It appears that the primary objective of this course is twofold. First, the student is presented a factual situation wherein he is forced to be advocate and present written as well as oral arguments to substantiate his position. Secondly, the factual situations are designed to concentrate upon Indian problems. This course serves an extremely useful and helpful purpose in preparing the student for law school in that he is called upon to be an advocate.

Indian Law, (5 hrs.) Instructor - Fred Ragsdale, a third year law student, attending UCLA College of Law, (a participant in the program and former summer orientation session student). The subject matter of this course does not come from any one text or case book as none has been written on the subject. The purpose of this course is to familiarize the student with a brief history of state and federal court decisions affecting Indian rights.

Study of Bureaucracys, (2 hrs.) Instructor - Fred Ragsdale. The subject matter and direction of the course are aimed at complimenting the Indian Law course. This course also gives the students background material on the effects of various interest groups and the role each played in determining governmental policy toward Indian land and Indian rights.

These data presented above provide overwhelming evidence for the value as expressed by participants of the orientation program. (See Appendix D) The few negative comments which were made, were made only about the initial (1967) orientation program. Negative comments made about subsequent orientation programs were of a relatively minor nature e.g. should have more tutors, more opportunity to speak in front of a class, etc. It is the recommendation of the evaluation team that, since the orientation program

appears to be providing considerable benefit, it should be continued in the future. Also, its current format appears to be a viable one. However, it must be assured that orientation candidates realize that orientation attendance is optional, and will not eliminate one from participation in the scholarship program.

Funding of what is now known as the Special Scholarship Program in Law for American Indians at the University of New Mexico, was a joint funding effort by Office of Economic Opportunity, University of New Mexico, and Bureau of Indian Affairs. The Program was initially an Upward Bound project, initiated as an experimental effort. Office of Economic Opportunity furnished most of the funds through fiscal year ended June 30, 1971, at which time it appeared that the program was established and identifiable as an Indian Program. It was a general consensus of those involved in the Program that it be carried on by Bureau of Indian Affairs, Higher Education to assure that it maintained identity as an All-Indian Program.

The University of New Mexico provided its portion by In-Kind Contributions, which was acceptable to Office of Economic Opportunity. Contributions included tuition for law students from the first orientation class, rent of office and other space and facilities, administrative and clerical personnel, University of New Mexico further encouraged the development of the program, Office of Economic Opportunity and Bureau of Indian Affairs were the funding sources.

The per capita cost of the program was quite high in early years, (See Appendix E), and by some standard may be too high at the present time; however, the per capita cost of administration has decreased each year as the number of students has increased.

Stipends paid law school students vary considerably. This is due to the paying of stipends according to marital status and dependent children, as well as to the students stated needs. The Office of Economic Opportunity permitted the payment of larger stipends to students in early years of the

program. Once a stipend amount was established for a student, that amount was paid that student during his law school career, except for any additional emergency payments. In the school years of 1970-1971 and 1971-1972 a rather high stipend, (See Appendix E) was paid to students with six or more children.

Applicants to the Indian Lawyer Scholarship Program are asked to furnish financial information in order to determine their need. Some students requested a specific amount, such as, in one case, $100.00 per month. Others permitted the program administration to determine the stipend. The criteria used by the scholarship program to determine financial support at this time is the National Science Fellowship Schedule, which is as follows:

	1st Year	2nd Year	3rd Year
Single or married (alone)	$2,400	$2,600	$2,800
Married, Wife	2,300	3,510	3,710
Married, Wife and 1 child	3,810	4,010	4,210
Married, Wife and 2 children	4,310	4,510	4,710
Married, Wife and 3 children	5,810	6,010	6,210

The records maintained by the Law Center and University of New Mexico do not accumulate the stipend, tuition, books, travel, and medical payments for each student. The personal financial information and number of children furnished by the student is apparently not verified by the center. It is recognized that such claims would be difficult to verify, and it may tend to discourage the applicant to learn that the information furnished by him was being investigated. Nonetheless, it appears that such verification procedures may be in order.

Approximately half of the law school graduates, and a similar percentage of the current law school students, expressed the feeling that the stipend which they received, or are currently receiving in law school, is inadequate. The primary reasons given for the inadequacy of the stipend were: large families, additional children, and very high cost of living in some urban areas. Some students expressed resentment that a cost of living differential was not reflected in the amount of the stipend, based upon location of the law school.

Approximately one-third of the law school graduates indicated that they had worked while attending law school, with approximately one-half of the current law students indicating that they are working while attending law school. Of those working, most indicated that they worked from 10 to 15 hours a week in such jobs as tutoring, law clerk positions, and manual labor. Most students indicated that they did hold summer jobs. It is not currently known whether or not working while attending law school interferes with the law program, but this question should be addressed.

The per capita cost of $6,180.50 (See Appendix E) is a decrease over previous years of the program. The per capita cost of administration indicates a favorable decrease as student numbers increased. A comparison of the per student cost of the Indian Lawyer Program with studies made by Department of Higher Education of the Bureau of Indian Affairs for college students indicates that the program cost for Professional training may not be considered excessive. The per capita cost less the cost of administration reduces the per capita cost to approximately $5,150.00. The average cost for married college students, not including Alaska, is $4,300.00 for campus living. The per capita cost of the Indian Lawyer Program was especially high in early years, but favorable decreases have been made each year, and

decreases should continue in the future. The average age of the law student is decreasing as recruiting shifts to the college campus and the program becomes more appealing to the undergraduate and younger college graduate. Several law students and law school graduates contacted made unsolicited remarks that they were personally encouraging young qualified Indians to apply, and encouraging the undergraduate to become interested. The average age of the 1972 Summer Orientation student is approximately 27, with most of the students being recent college graduates. This trend would appear to reduce the size of the family requiring a smaller stipend.

It is recommended that better fiscal records be kept for each student, and that a maximum stipend be set, such as, pay for a maximum of three children, and standards be established and followed for granting additional monies to students.

AMERICAN INDIAN LAW STUDENTS ASSOCIATION (AILSA)

The emphasis on the Indian aspect of law appears to commence with the students first real exposure to the program. At the time the applicant fills out his application, he or she is asked questions relating to his or her own personal experiences and involvement with Indian problems and Indian related activities. In addition to these questions the applicant is asked to describe why he or she desires a legal education and what he or she intends to do with a law degree.

Although the Director of the Scholarship Program (a Native American Lawyer) and the Dean of the Law School at University of New Mexico make the final decision in selecting participants, the AILSA are the first to evaluate the applicants. The AILSA uses primarily three criteria in evaluating and subsequently recommending applicants, namely the applicants background in Indian affairs, the applicants educational and academic qualifications (i.e., LSAT, Grade Point Average) and financial need.

Upon selection of the applicants for the summer orientation program, the students arrive at the University of New Mexico where they meet and acquaint themselves with other Indian students of other tribes from across the United States (See Appendix A) with a common primary objective, namely to obtain a law degree. The curriculum of the summer orientation program is geared to enlighten the students on Indian related legal problems in addition to providing fundamental background to attend law school. The curriculum of the Summer Orientation Program provides a course in Indian Law providing students insight into landmark court decisions reflecting a historical basis of how the Indians have been treated fairly and unfairly by Governmental Agencies. A course in legal writing usually allows the student to do research

on his own into an area of the law with emphasis on a particular Indian problem. Guest speakers, (many who are Indians) are brought to the school to talk to the students, again focusing Indian related law subjects. Finally, the student is exposed to the AILSA.

While the AILSA is not administratively part of the Scholarship Program, it is felt that the Association's activities are so intimately intertwined with those of the Scholarship Program, that it should be discussed in the current evaluation report. The AILSA maintains a national office in the Center, with the Center and the Scholarship Program contributing office space and supplies to the organization. Further, the student organization functions as an advisor to the program, with the president of the student organization serving on the advisory board to the Center.

The graduates of the Scholarship program, and those currently enrolled under a Scholarship Program, were practically unanimous in their high regard for the operation of the AILSA. Many felt that this organization was the major source of contact with the Center, and with Indian Problems.

Most of those interviewed expressed a strong emotional reliance on the student organization. While most of those interviewed indicated that the contact maintained between the Center Administration and the student was adequate, they elaborated that there should be even greater contact with the student organization. Some participants even expressed indignation that there was not greater communication with the Association, in view of its recognized importance to the Indian law student. Several unsolicited suggestions were made for the expansion of activities of the law student Association. Periodic national seminars was one of the communication devices which was suggested by several of the participants. More frequent site visits was another communication vehicle which was strongly urged.

Although the evaluation team was not formally commissioned to evaluate

AILSA, it was felt that the organization was too integral a part of the Scholarship Program not to be examined closely. It is strongly felt by the team that the student association is one of the most important elements in the Scholarship Program.

COMPLETION SUCCESS

The evaluation of the "law school graduate"of the Special Scholarship Program in Law for American Indians must include only those students who were exposed to the summer orientation program, as distinquished from the students who were only funded by the program, but who did not attend the summer session. The logic of this position is well stated by one of the program administrators, "If a student chooses not to attend the summer program, then the only responsibility we can claim for his success or failure in law school is the pleasure of heaving provided him with funding while he was in school." Further, to be comparable with national statistics, the program must use, for evaluation purposes, the number of students who <u>entered</u> law school from the summer program, and not the total number of students in the summer programs. This procedure must be used in view of the fact that in the early years of the program, students without a college degree, and also students undecided about attending law school, were both admitted into the program.

At present the program has a potential of three graduating classes; the 1967 summer students would have graduated in 1970, 1968 students in 1971, and the 1969 students in 1972. The following are the statistics on completion success, and on numbers of students currently pursuing a law degree. (These data were furnished by the Scholarship Program Director. Since they are not in agreement with other records of the program, this discrepancy should be resolved.)

Summer, 1967 - 12 students enrolled in law school, with the two having completed law school, and one about to finish, for a total of three "successes" out of 12 (25% success rate)

Summer, 1968 - 18 students enrolled in law school, with 13 "successes" (eight have already completed law school, and five give every indication of being about to finish) (72% success rate)

Summer, 1969 - 30 participants enrolled in law school, with 21 "successes" (11 have already completed law school, ten give every indication of being about to finish. (70% success rate)

Summer, 1970 - 26 students entered law school, with 21 currently enrolled (first law school graduates will finish in one more year) (80% success rate)

Summer, 1971 - 28 students enrolled in law school, with 26 currently enrolled (93% success rate)

Summer, 1972 - it is still too early to determine how many of the orientation participants will actually enroll in law school, and continue their law program.

The overall "success" rate (success being defined as a participant who has finished law school, or is successfully pursuing completion) is 74%. *This figure is slightly higher than the same success rate (72%) reported nationally in law schools. In view of the somewhat inadequate preparation of many of the candidates for the Scholarship Program, a 74% success rate is quite noteworthy.

* American Bar Association Journal, Feb. 72, Vol. 58, Pg. 147

JOB PLACEMENT

In order to determine the role of the Program in job placement, questions were asked of graduates as to whether the Program had helped them obtain a job upon graduation, and whether that help was felt to be needed at the time of completion of law school. Of the 14 law school graduates contacted, only two indicated they received job placement assistance from the Program, with 12 indicating that they had not. However, only one of the 14 felt that help was actually needed at that time. Several graduates indicated that they felt themselves to be sufficiently informed of job situations and confident enough to seek a job independent of the Program. All the graduates indicated, nonetheless, that they were certain that the Program was willing and able to provide job placement assistance if needed. It appears that job placement may remain as a relatively minor function of the Program for quite some time, given the current availability of adequate numbers of law positions dealing with Indian legal problems.

FOLLOW-UP OF CURRENT STUDENTS AND GRADUATES

The personal files of current students participating in the program fail to adequately reflect the student's over all progress, although the Administration of the Scholarship Program appears to possess current information about individual students. Future records and personal files should be prepared to correct this situation.

There is currently no formal follow-up procedure existing in the orientation program. Despite this, the program administration appears quite current with respect to the status of each of the graduates of the Program. With relatively small numbers of people having completed the law school through the Scholarship Program, such an informal procedure is probably workable. Although no reporting procedure is currently required of the graduates, with an expanding program, formal procedures may have to be iniated.

In addition, it would be valuable to be aware of the numbers of law school graduates who actually pass the Bar Examination. Passage, is of course critical to full participation in Indian Legal problems.

APPENDIX A

SOME TRIBES REPRESENTED WITHIN THE PROGRAM

Apache
Assiniboin
Athapascan
Blackfeet
Cherokee
Cheyenne
Chickasaw
Chippewa
Choctaw
Colville Confederated Tribes
Commanche
Confederated Salish & Kootenoi
Cree
Creek
Eskimo
Gros-Ventre
Haida
Iroquois
Kiowa
Lumbee
Mandan
Muckleshoot
Navajo
Nez-Perce
Omaha
Oneida
Osage
Paiute
Papago
Pawnee
Pequot
Pima
Ponca
Pottawatomie
Pueblo
Seneca
Shoshone
Sioux
Tenne'
Tlingit
Umatilla
Ute
Washoe
Winnebago
Yakima
Yurok

APPENDIX B

AGE DISTRIBUTION OF CURRENT LAW SCHOOL STUDENTS AND 1972 ORIENTATION PARTICIPANTS

AGE	TALLY
46-50	2
41-45	1
36-40	11
31-35	24
26-30	50
21-25	28

APPENDIX C

SOME PARTICIPATING LAW SCHOOLS *

Arizona State University
Catholic University, Washington D. C.
Duke University
Georgetown University
Harvard University
Lewis & Clark University
McGeorge College of Law
North Carolina Central University
Notre Dame University
St. Louis University
Southern Methodist University
Stanford University
Texas Southern University
University of Arizona
University of California (Davis)
University of California at Los Angeles
University of Chicago
University of Colorado
University of Iowa
University of Loyola, Los Angeles
University of Minnesota
University of Montana
University of New Mexico
University of North Dakota
University of Oklahoma
University of Oregon
University of the Pacific
University of Tennessee
University of Tulsa
University of Utah
University of Washington
University of Wisconsin
University of Wyoming
Valparaiso
Washington University, St. Louis
Wayne State University
Williamette University, Oregon
Yale University

APPENDIX D

SELECTED COMMENTS FROM GRADUATES AND CURRENT LAW SCHOOL STUDENTS

"The Scholarship Program must be continued and expanded."

"The Center should be actively pursuing the development of an Indian Bar Association. BIA should assist in this effort."

"The Scholarship program is most important, and its graduates should help in its further development - possibly by themselves helping to recruit for the Program."

"It's a good program. Without it I could not have attended Law School."

"The orientation program should be approved for credit for law schools."

"We need more cooperation between law schools."

"I feel that the Center is very much interested in me. The Center has lots of potential."

"We need more interaction between students and program directors. We should know what other students are doing. Perhaps annual meetings may be necessary to achieve this."

"The Orientation Program should stress verbal facility more than it does."

APPENDIX E

AMERICAN INDIAN LAWYER PROGRAM

COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES

	1967-1968	1968-1969	1969-1970	1970-1971	1971-1972
REVENUES					
B. I. A.	$ 16,488.00	$ 40,000.00	$ 35,000.00	$ 40,000.00	$ 620,000.00
O. E. O.	38,313.18	128,928.67	315,969.92	518,404.00	
Univ. of New Mexico	12,303.00	9,735.20	5,685.67	12,217.00	
	$ 67,104.18	$ 178,663.87	$ 356,655.59	$ 570,621.00	$ 620,000.00
EXPENDITURES					
Salaries & Wages	$ 26,057.00	$ 36,598.80	$ 59,520.34	$ 71,986.00	$ 54,399 .84
Fringe Benefits	1,361.63	1,553.95	3,115.09	4,161.00	5,440.00
Material & Services	882.25	4,750.77	10,504.07	24,642.00	13,352.89
Travel	3,743.35	10,822.28	16,262.18	27,047.00	10,095.32
Tuition & Fees		6,234.00	4,410.00	33,905.00	47,811.44
Stipends	19,802.00	101,550.00	214,447.76	375,822.00	393,862.10
Student Books, Travel, Medical	479.68	1,207.09	10,518.73	12,232.00	38,523.40
Student Workshops			8,604.70		19,970.80
Consultants & Conferences	3,100.00	2,134.00	6,038.78	2,110.00	2,089.40
Indirect Costs	8,941.45	13,812.98	23,233.94	18,716.00	15,200.00
	$ 67,104.18	$ 178,663.87	$ 356,655.59	$ 570,621.00	$ 600,745.19
Administrative Cost	$ 42,816.23	$ 64,298.09	$ 118,674.40	$ 153,459.00	$ 100,577.45
Stipends	19,802.00	101,550.00	214,447.76	375,822.00	393,862.10
Student Related Costs	4,485.95	12,815.78	23,533.43	41,648.00	106,305.64
Average No. Students-School Year	7	16	47	73.37	97.2
Per Capita Cost	$ 9,586.31	$ 11,166.49	$ 7,588.40	$ 7,777.30	$ 6,180.50
Per Capita Cost-Administration	6,116.60	4,018.63	2,524.98	2,091.58	1,034.75
Average Stipend-Law Students	1,493.86	5,458.44	3,972.28	3,279.33	3,710.68
Low Stipend			1,400.00	1,765.00	1,185.00
High Stipend			6,000.00	9,275.00	8,467.00

NOTES: The period covered in 1967-1968 figures includes the orientation - Summer Class - beginning in June 1967, and ending June 30, 1968. Due to different accounting classifications by various funding agencies there is lack of standardization in expense accounts. However, total costs and averages, where available, are valid for comparative purposes.

The total expenditures for 1971-1972 does not reflect the encumbrances through the last week of June, 1972. Assuming the total budget is spent for the year each of the expense categories would need to be increased approximately 3.3%. This variation will not invalidate percentages determined and used in specific areas of the evaluation.

UNITED STATES
DEPARTMENT OF THE INTERIOR

Office of Survey and Review

Audit Operations

REVIEW OF CONTRACT NO. K99C14200202
UNIVERSITY OF NEW MEXICO SCHOOL OF LAW
ALBUQUERQUE, NEW MEXICO

BUREAU OF INDIAN AFFAIRS

SEPTEMBER 1972

REVIEW OF CONTRACT NO. K99C14200202, UNIVERSITY OF NEW MEXICO SCHOOL OF LAW, ALBUQUERQUE, NEW MEXICO (AMERICAN INDIAN LAWYER PROGRAM)

Historical Background

The contract provides financing for what is commonly referred to as the American Indian Lawyer Program. This program was initially established in March 1967, as a Demonstration Grant under Section 207 of the Economic Opportunity Act of 1964. The Office of Economic Opportunity continued to finance the program through fiscal year 1971 with supplemental financial assistance provided by the University itself, in the form of cost sharing, and by the Bureau of Indian Affairs.

Effective June 30, 1971, Office of Economic Opportunity grants were no longer available and at that time the Bureau assumed full responsibility for financing the program. The current Bureau contract contains no cost-sharing provisions and the contractor advises us that it is the only source of program financing.

Nature of Contractual Services

The contractor provides the following services:

1. Recruits applicants.
2. Selects eligible students.
3. Places eligible students in law schools.
4. Assists in obtaining scholarships and other financial assistance for students.

5. Pays stipends, tuition and fees, and other college related expenses based on need.

6. Provides academic and personal assistance to individual students as needed.

7. Conducts an 8-week pre-law session to give students an introduction to legal studies.

The program is administered by the University of New Mexico Law School. The project director, who operates under supervision of the Dean, has direct responsibility. Effective July 1, 1972, the project director was also designated as director of the American Indian Law Center. This latter organization functions primarily as a research branch of the law school and assists Indians and Indian tribes with problems peculiar to Indian law.

Contract Costs

The contract is administered on a cost-reimbursable basis with a funding limitation of $620,000. University records showed total incurred costs for fiscal year 1972 of $622,985, as follows:

Stipends and student related costs:

Stipends	$400,688
Tuition and fees	47,902
Student books, travel and medical	41,243
Student workshops	19,971
Consultants and conferences	2,089
	$511,893

Administrative costs:

Salaries and wages	$63,306
Fringe benefits	4,697
Materials and services	16,444
Travel	10,186
Indirect costs	16,459
	$111,092
Total costs incurred	$622,985

During the contract period, payments were made to or on behalf of the approximately 160 participating students. As shown above, stipends constitute most of the cost and these payments are based, for the most part, on the National Science Fellowship schedule. Tuition payments were made on behalf of approximately 50 students. The University generally arranges scholarships or other assistance for the remaining students.

Salaries and wages constitute over half the administrative costs. The University provided us with the following analysis of these costs.

1.	Project Director (recently elevated to AILC Director)	100%
2.	Law School Dean	8%
3.	Law School Assistant Dean	15%
4.	Assistant Law Librarian	15%
5.	Summer Pre-Law Institute Faculty	100%
6.	Secretary of Law School Assistant Dean	20%
7.	Two AILC Secretaries - approximately	50%
8.	Three Student Participant Aides (weekly)	15 hours

Indirect costs of $16,459 are based on 26 percent of salaries and wages. This is the approved predetermined rate for the biennium ended June 30, 1972, as determined by the Defense Contract Audit Agency which has audit cognizance for the University of New Mexico. At the time of our review an audit was in process to determine the approved indirect cost rate for the biennium ending June 30, 1974.

All figures shown above were furnished by the University without verification. They are subject to final accounting adjustment and audit by the Defense Contract Audit Agency. Also, a final determination had not made by the Bureau as to whether a 3-month extension of the program will be handled as a modification to the current contract or as part of a new contract to be written for fiscal year 1973.

Evaluation of Contract Performance

The Bureau contracted with a private consultant to evaluate contract performance. The basic conclusion of the evaluation team was as follows:

"It is our opinion that the Special Scholarship in Law for American Indians is generally successful and should be continued. Indians are obtaining legal education, and graduates are involved in the practice of law directly affecting Indians."

Our review disclosed no information which conflicts with the above conclusion.

The evaluation team did make nine specific recommendations for implementation by the University. These were:

"(1) The quantum of blood of all applicants should be verified and made a part of the student's records.

"(2) Student records should reflect manner of recruitment. This information is of value in determining most effective recruitment methods.

"(3) All applicants rejected by the Program should be informed of the specific reason.

"(4) Student records should reflect the student's current progress to allow the Program to respond to the student's immediate need.

"(5) Advise applicant at the earliest possible date that Summer Orientation is optional for the well-qualified applicant.

"(6) The National Science Fellowhip Schedule for stipends should be followed, with a maximum stipend for all students regardless of the number of children.

"(7) Each applicant's dependents should be verified for purpose of establishing stipends.

"(8) Detailed fiscal records should be maintained for each student.

"(9) Each graduate's file should reflect date of admission to the bar and the jurisdiction. Each student should be encouraged to take the bar examination to permit the fullest involvement in Indian legal problems."

We discussed each recommendation with the contractor. We were advised that all recommendations had been or would be implemented, except as follows:

1. Recommendation No. 4 is directed at the contractor documenting student files as to followup of the student and any academic and personal assistance provided by the University. The contractor contends that the information regarding students progress toward a degree provided by students on current applications is all that should be required to properly document the file as to student progress. The contractor further stated that to require documentation of its current informal followup of students would involve too much administrative work and that the program is more concerned with solving a student's problem than in documenting the file.

2. The contractor considers recommendation No. 5 to be in error. His position is that the current brochure describing the program, adequately informs prospective applicants regarding Summer Orientation requirement. We concur with the contractor's position. The evaluation team's finding resulted from interviews of graduates and current students who came in under the OEO program and does not apply to students funded under the current contract.

3. The contractor agrees with the first part of recommendation No. 9 and advised that he will write to each graduate to obtain the information to document the file as to the date of admission to the

bar and jurisdiction. However, the contractor disagrees with the second part of of the recommendation stating that all students should be encouraged to take the bar. His position was that the graduate can accomplish the aims of the program without becoming a practicing lawyer.

Recommendations For The Contracting Officer

We are making the following recommendations for the purpose of assuring compliance with the Federal Procurement Regulations and improving contract administration.

1. The University of New Mexico School of Law was the only institution solicited in connection with the current contract and with a 3-month extension of the program. If the program is continued into fiscal year 1974, proposals should be solicited from other sources to comply with subpart 1-3.101 of the Federal Procurement Regulations which requires competition. Alternatively, a formal justification should be prepared for retaining the program with the University of New Mexico on a sole-source basis.

2. The objectives of the program as stated in article II of the contract's Special Provisions do not adequately explain the primary objective of the program, i.e., to increase the number of Indian lawyers to ultimately serve the entire Indian nation. Nor does the article provide details on how the primary objective is to be accomplished, e.g., increasing the number of qualified Indian students attending law school,

conducting summer orientation sessions for prospective students, providing financial assistance to needy Indian students, etc. We recommend that article II of the contract be revised to show the needed detail. Because the contract objectives are nebulous, the contract scope, as contained in article III of the Special Provisions, is imprecise and should also be revised to identify the specific responsibilities of the contractor.

3. Quarterly reports submitted on this contract contain information on Indian students admitted under the program, amount and use of funds allotted to each, total cost of administering the program, and a narrative on the progress of the program. While this information is useful, it does not provide the Bureau with a continuing basis for evaluating contract performance. Accordingly, we recommend that the quarterly reporting requirements be amended to include the following:

a. A schedule listing all students funded in the Indian Lawyer Program properly categorized to show statistical information as to graduates, dropouts, transfers, readmissions, current status of each student (good standing, academic, or social probation), the anticipated year of each student's graduation, and applicable comments such as action taken to return a student to good standing or any changes in degree objectives.

b. A schedule showing assistance provided by student detailed by tuition, stipends, and other college related expenses including the

law school in which each student is enrolled. The sum of amounts shown in quarterly reports for tuition, stipends, and other college related expenses should agree with the amounts claimed by the contractor for these elements on public vouchers submitted.

4. Contract Modification No. 1, effective September 1, 1971, added subparagraph (g) to article III of the contract's Special Provisions as follows:

> "The contract funds shall include costs of operating two summer orientation programs; the first to be in the beginning months of the contract and the second prior to June 30, 1972."

Since the second session extended from June 19 through August 11, 1972, this modification is not clear as to whether the summer session will be totally funded under this contract or only the costs incurred in operating the program to June 30, 1972. Future contracts should specifically state the method of handling the costs of the summer sessions.

5. The contract contains two payment clauses. One indicates that the contract is a firm-fixed price and implies a single lump-sum payment. The other indicates that the contract is cost reimbursable. Since the intent is to administer the contract on a cost reimbursable basis, the contract should be amended to clearly state this. Also, the contract should specify the method of payment for indirect costs. (This recommendation was implemented during the audit.)

6. The contract did not contain the correct access to records clause. This defect should be corrected and a contract audit should be requested through designated channels. (This recommendation was implemented during the audit.)

In addition to the above recommendations, we suggest that the contracting officer make disposition of those recommendations made by the evaluation team which the contractor does not intend to implement.

RESEARCH AND EVALUATION REPORT SERIES

The Education activity of the BIA has always produced a large and steady number of very useful reports. In recent time, there seems to be an increasingly larger number of high quality reports. Too, throughout the years, there has not been an attempt to organize or arrange the reports in such a manner that they become a useful and systematic body of information. In order to provide a systematic arrangement of high quality reports so that they may be made available to BIA educators, a Research and Evaluation Report Series has been established by the Indian Education Resources Center (IERC), Division of Evaluation and Program Review.

The general objectives of the Series are to:

(1) Provide a systematic arrangement of education reports.
(2) Identify those reports considered to be high in quality.
(3) Make pertinent data available to BIA educators and when possible, to educators outside the BIA.
(4) Make it possible for professional educators involved in research pertinent to the schooling of Indian children to share their experiences with a greater audience.
(5) Assist in the overall evaluation process of the BIA Education activity.